

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE) ARTICLE III ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES", DIVISION 19 ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT" SECTION 24-160D.3(a) AND 24-160D.3(b) AND TO REPEAL AND REENACT WITH AMENDMENTS SECTION 24-160D.3(d) SO AS TO SPECIFY THOSE SPECIAL EXCEPTIONS ALLOWED IN THE MXD ZONE.

Text Amendment No. T-363

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled that Chapter 24, Article III, Division 19, section 24-160D.3(a), Section 24-160D.3(b) are amended and Section 24-160D.3(d) is hereby repealed and reenacted, all to read as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

* * * * *

Division 19. MXD Zone, Mixed Use Development

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Sec. 24-160D.3. Uses Permitted

(a) *Residential.* All types of residential uses allowed by right [or by special exception] in Chapter 24 of this City Code shall be permitted, as well as accessory uses thereto.

(1) * * * * *
(2) * * * * *
(3) * * * * *
(4) * * * * *
(5) * * * * *

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(b) *Commercial/employment/industrial.* All uses allowed by right in any of the following zone: R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones are permitted uses. [All uses allowed by special exception in the R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 zones shall be special exception uses in the MXD Zone and subject to approval by the City Board of Appeals. Designation of a use as a special exception, in any of the zones listed herein shall mean the use is a special

exception in the MXD Zone, notwithstanding the fact that such use may be allowed as a permitted use in any other zone referred to in this subsection (b).]
The following uses are specifically prohibited:

(1)	*	*	*	*	*	*
(2)	*	*	*	*	*	*
(3)	*	*	*	*	*	*
(4)	*	*	*	*	*	*
(5)	*	*	*	*	*	*
(6)	*	*	*	*	*	*
(7)	*	*	*	*	*	*
(8)	*	*	*	*	*	*

(c) Bed and Breakfast. Bed and breakfast subject to the requirements contained in section 24-167B.

(d) Special Exception Uses. The following uses shall be special exception uses in the MXD Zone subject to approval by the City Board of Appeals notwithstanding the fact that such use may be allowed as a permitted use in any other zones referred to in the above subsections (a) and (b):

Amusement center, whether operated separately or in conjunction with any other permitted or special exception use
Assembling from prepared materials of electronic devices and electrical appliances
Boarding homes
Care homes
Cemeteries
Child or elderly care facilities in dwelling units other than single-family detached or duplexes accommodating not more than eight (8) individuals
Child or elderly care facilities for accommodating more than eight (8) individuals
Clinics
Commercial parks and other outdoor places of amusements, including miniature golf courses, driving ranges, carnivals and fairs.
Funeral parlors and undertaking establishments
Group residential facilities operated by nonprofit or public entities
Hospitals
Nursing and care homes
Private clubs
Public utilities uses, such as electric substations and offices, excluding the storage of material and trucks and repair facilities.
Radio and television broadcasting stations, towers and accessory structures
Telecommunications facilities
Towers, poles, antennas, buildings or other structures intended for use in connection with the operation of a commercial radio or television broadcasting station

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ADOPTED by the City Council of Gaithersburg, Maryland on this ____ day of _____, 2003.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2003.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2003 and the same was approved by the Mayor of the City of Gaithersburg on the _____ day of _____, 2003. This Ordinance will become effective on the day of _____, 2003.

DAVID B. HUMPTON, City Manager